United Nations A/C.3/64/L.38/Rev.1

General Assembly

Distr.: Limited
17 November 2009

Original: English

Sixty-fourth session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Benin, Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Iraq, Ireland, Italy, Japan, Jordan, Latvia, Lithuania, Luxembourg, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Vanuatu: revised draft resolution

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

Recalling also all previous resolutions on this subject, in particular its resolution 62/152 of 18 December 2007 and Human Rights Council resolution 7/8 of 27 March 2008,[1]

[1] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II, sect. A.

Please recycle

Noting with deep concern that in many countries persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats, harassment and suffer insecurity as a result of those activities, including through restrictions on freedom of association, expression or the right to peaceful assembly, or abuse of civil or criminal proceedings,

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

Gravely concerned also by the continuing high level of human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and by the fact that in many countries impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on their work and safety,

Gravely concerned further by the considerable number of communications received by the Special Rapporteur on the situation of human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicates the serious nature of the risks faced by human rights defenders, in particular women human rights defenders,

Stressing the important role that individuals, civil society organizations, non-governmental organizations, groups, organs of society and independent national institutions play in the promotion and protection of all human rights and fundamental freedoms for all, including in addressing all forms of human rights violations, combating impunity, fighting poverty and discrimination, and promoting access to justice, democracy, tolerance, human dignity and the right to development, and recalling that all have rights as well as responsibilities and duties within and towards the community,

Recognizing the substantial role that human rights defenders can play in supporting efforts to strengthen peace and development, through dialogue, openness, participation and justice, including by monitoring, reporting on and contributing to the promotion and protection of human rights,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights,[2] certain rights are recognized as non-derogable in any circumstances and that any measures derogating from other provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations, as stated in General Comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001,

Welcoming the cooperation between the Special Rapporteur and other special procedures of the Human Rights Council, as well as other relevant United Nations bodies, offices, departments, specialized agencies and personnel, both at Headquarters and at the country level, within their mandates,

Welcoming also regional initiatives for the promotion and protection of human rights and the strengthened cooperation between international and regional

[2] See resolution 2200 A (XXI), annex.

mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

Welcoming further the steps taken by some States towards adopting national policies or legislation for the protection of individuals, groups and organs of society engaged in promoting and defending human rights, including as follow-up to the universal periodic review mechanism of the Human Rights Council,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, reaffirming that national legislation consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights defenders conduct their activities, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,[3] including by taking, as appropriate, practical steps to that end;

2. *Welcomes* the reports of the Special Rapporteur on the situation of human rights defenders[4] and her contribution to the effective promotion of the Declaration and the improvement of the protection of human rights defenders worldwide;

3. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to prevent and eliminate such human rights violations;

4. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders, at both local and national levels, including in times of armed conflict and peacebuilding;

5. *Also calls upon* States to respect, protect and ensure the rights to freedom of expression and association of human rights defenders and, in this regard, to ensure, where procedures governing registration of civil society organizations exist, that these are transparent, non-discriminatory, expeditious, inexpensive, allow for the possibility to appeal and avoid requiring re-registration, in accordance with national legislation, and are in conformity with international human rights law;

6. *Urges* States to ensure that any measures to combat terrorism and preserve national security are in compliance with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights;

---

[3] Resolution 53/144, annex.

[4] See A/63/288 and A/64/226.

09-61158

7. *Also urges* States to take appropriate measures to address the question of impunity for attacks, threats and acts of intimidation, including cases of gender-based violence, against human rights defenders and their relatives, including by ensuring that complaints from human rights defenders are promptly investigated and addressed in a transparent, independent and accountable manner;

8. *Further urges* all States to cooperate with and assist the Special Rapporteur in the performance of her/his mandate and to provide all information in a timely manner, as well as to respond without undue delay to communications transmitted to them by the Special Rapporteur;

9. *Calls upon* States to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of her/his recommendations;

10. *Strongly encourages* States to translate the Declaration and to take measures to ensure its widest possible dissemination at national and local levels;

11. *Encourages* States to promote awareness and training in regard to the Declaration in order to enable officials, agencies, authorities, and members of the judiciary to observe the provisions of the Declaration and thus to promote better understanding and respect for individuals, groups and organs of society engaged in promoting and defending human rights, as well as for their work;

12. *Encourages* relevant United Nations bodies, including at the country level, within their respective mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Rapporteur, and, in this context, requests the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Rapporteur;

13. *Requests* that the Office of the High Commissioner, as well as other relevant United Nations bodies, offices, departments and specialized agencies, within their respective mandates, consider ways in which they can assist States in strengthening the role and security of human rights defenders, including in situations of armed conflict and peacebuilding;

14. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur for the effective fulfilment of her/his mandate, including through country visits;

15. *Further requests* the Special Rapporteur to continue to report annually on her/his activities to the General Assembly and to the Human Rights Council in accordance with her/his mandate;

16. *Decides* to consider the question at its sixty-sixth session under the item entitled "Promotion and protection of human rights".